

## **FEB 21<sup>st</sup> Meeting - Review of the Coastal Waters and Harbors Ordinance**

### **Discussion:**

- There was a discussion on Section 10-5-13 regarding the restriction of mooring holders subletting of moorings for payment. The Committee noted the cumbersome wording of the section which could be improved.
- SC noted that there may be a need to add “Outhaul”. He also mentioned “Aquaculture” may need to be added to the definitions and questioned as to the need to perhaps add regulations regarding this activity. SF noted that such activity is a State lease on public lands and is addressed under the State’s submerged land program so no need for local regulations. **Addressed**
- There was a discussion as to the phrase “extreme emergency” under Section 10-4-1 and whether the section should only reference the Harbormaster’s approval and eliminate the emergency situation clause. **Addressed**
- SC noted that Section 10-5-15 references a restriction on using “Lobster Crate or Lobster Car moorings” as vessel moorings yet neither term is defined in the Definitions Section (10-2-1).
- SC noted that in Section 10-6-3(b) that the term “maritime facility” is also not defined in the Definitions Section (10-2-1).
- SC brought up the language regarding motor vehicle parking restrictions near launch ramps as discussed in Section 10-7-7 and asked who enforces these restrictions. The Committee discussed that this is a local responsibility and that the Police, not the Harbormaster, enforce the parking restrictions. **Addressed**
- SC questioned whether tampering as discussed in Section 10-7-13 was an ongoing problem and whether the amount of the fines noted were appropriate. **Addressed**
- SC referred the group to Sections 10-8-1 (a) and (b) that references fines and who would actually enforce this Ordinance. CJ noted that the Harbormaster is essentially the enforcer of the Ordinance, but that the Police Department can also be included as part of the enforcement arm. **Addressed**

### **Public Comment:**

- ET commented that the reference to the “black can buoy ‘C-1’” in Section 10-1-2 (a) should be changed to green.

## **March 28<sup>th</sup> meeting - Open Discussion with Harbormaster Ian Anderson**

- KR asked IA what changes IA would make regarding moorings to the Ordinance. IA responded by adding some definitions and add in more specific information on mooring regulations to make it current. CJ was curious as to what might change frequently concerning moorings. If the Ordinance is too specific, trends could change and make the Ordinance regulations detrimental. IA stated that types of mooring are defined, but given the ranges associated with the types of moorings, it shouldn’t be a problem as they don’t change that frequently.
- JC asked about the subletting of moorings section of the Ordinance that was discussed at the last meeting and was a bit confusing. IA said that the intent is that you can’t make money off letting others use the mooring. Use of a

mooring by another person is allowed with IA's permission which doesn't have to be written. IA noted that this measure is very difficult to enforce.

- SC recalled the Committee received a letter on outhauls and asked IA as for his opinion. IA noted that outhauls fall under moorings in the Ordinance. They do take up space and can be difficult to see. IA felt that they should be registered through Town's mooring process.
- As a member of the public in attendance, DH noted the blank spaces besides some of the mooring sites in the Mooring Report would be spaces that have coordinates of abandoned moorings that still have tackle in place. DH suggested that the mooring language in Ordinance may need to be revised to remove gear if you vacate a mooring.

#### **April 27<sup>th</sup> - Discussion with Harbormaster Ian Anderson**

- IA provided the Committee with excerpts of Scarborough's Ordinance which includes language on houseboats, minimum mooring requirements, and the removal of sunken vessels. The Committee asked IA to provide edits to the existing Ordinance section based on his recommendations. **Addressed**
- A general discussion ensued about the removal of sunken vessels in terms of enforcement and involvement by other regulatory agencies. SF noted that the U.S. Army Corps of Engineers would not be involved if it was not a federal waterway. IA noted that the Maine DEP does get involved if the boat was mechanically operated and fuels and other potentially hazardous materials are involved, but a non-mechanically propelled boat would likely not involve the DEP.
- KR noted that it may be necessary to formalize the mooring process in the Ordinance and provide public education of mooring requirements.

#### **Sept. 28<sup>th</sup> Meeting - Discussion with Harbormaster Ian Anderson**

- IA opened his discussion with noting that the Town should consider adding into its ordinance stipulations for "houseboats" and "outhauls". He also provided samples of outhaul definitions from three local ordinances. **Addressed**
- There was a discussion about the current term of "extreme emergency" being used in the ordinance and the need to define it. IA stated that to him two situations dictated an extreme emergency, weather and mechanical trouble. The need for a crisp definition was agreed upon and that enforcement should be handled by the Harbormaster. **Addressed**
- SF noted that other definitions needed to be added to the Ordinance.
- SF asked about jet skis and if they are a problem. IA said that it wasn't an issue in Cape Elizabeth, but in Scarborough there have been issues. Since these are a watercraft, they are State laws already in place for preventing wakes in mooring fields and swimming areas.

#### **October 26<sup>th</sup> Meeting - Discussion with Harbormaster Ian Anderson regarding changes to the Harbors Ordinance Section and other Harbormaster topics**

- IA provided the Committee with a tracked changes version of the Ordinance's "Chapter 10 – COASTAL WATERS and HARBOR ORDINANCE". IA recommended adding definitions for "Houseboat" and "Outhaul". Under the Moorings Section, IA added suggested language regarding houseboats and outhauls. **Addressed**

- There was a discussion about the phrase “extreme emergency” in the Section 10-4-1 which states “Anchoring Only With Permission. There shall be no anchoring of vessels in the designated mooring areas of Seal Cove and Maiden Cove without the permission of the Harbor Master except under **extreme emergency** conditions.” After debating several categories of emergencies, the group reviewed the Chapter 10 definition of emergency and agreed that the word “emergency” was sufficient on its own in that section and that the word “extreme” should be deleted. **Addressed**
- SF asked IA if the \$25 - \$100 fine range was sufficient and IA stated that it was and was generally consistent with the Town of Scarborough’s fine amounts. IA stated that any violation that would warrant a larger fine is punishable at the State level. **Addressed**